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*Attorneys for: Plaintiffs,
 Reynaldo Salinas, Isabel Salinas,
 And Jessica Salinas, Individually
 And as Representative of the
 Estate of Jose Martin Salinas*

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

REYNALDO SALINAS, ET AL,

Plaintiffs,

vs.

AMTECK OF TEXAS, ET. AL.,

Defendants.

Case No.: CV 08-01463 (PJH)

ATTORNEY DECLARATION

Date: July 23, 2008

Time: 9:00 a.m.

Courtroom: 3

ATTORNEY DECLARATION SUPPORTING PLAINTIFFS' MOTION TO RESET THE
 HEARING TO DEFENDANTS AMTECK OF KENTUCKY, INC. and THE HASKELL
 COMPANY'S NOTICE OF MOTION FOR ASSESSMENT OF FEES AND COSTS AGAINST
 PLAINTIFFS AND FOR STAY OR DISMISSAL OF PROCEEDING PENDING PAYMENT

I, MICHAEL A. HAWASH, declare:

1. I am an attorney licensed to practice in the State of Texas and am a partner with
 Farrar & Ball, LLP, counsel of record for Plaintiffs. I have personal knowledge of the matters

1 set forth in this declaration unless otherwise stated and could competently testify thereto if
2 called as a witness.

3
4 2. I am currently set for trial on a trial docket beginning July 21, 2008, in the case
5 styled and numbered, *Karla Armas v. Basic Materials, Inc., et al.*, Cause No. 2007-36747, the
6 80th Judicial District Court of Harris County, Texas. I represent *Karla Armas* in this matter.

7
8 3. Attached to Plaintiffs Motion to Reset the Hearing as Exhibit A is a true and
9 correct copy of the Docket Control Order in the aforementioned case, *Armas v. Basic Materials,*
10 *Inc.* There is no indication that this case will not go to trial as currently scheduled. *Basic*
11 *Materials* has not responded to any of *Karla Armas*' settlement demands. I have no reasonable
12 reason to believe the case will settle before trial.

13
14 4. In the instant case, I have attempted to meet and confer with counsel for
15 Defendants to reschedule the hearing on Defendants' Motion for Assessment of Fees and Costs
16 Against Plaintiffs and for Stay or Dismissal of Proceedings Pending Payment for a date after
17 August 4, 2008.

18
19 5. Attached to Plaintiffs' Motion to Reset Hearing Motion as Exhibit B is a true and
20 correct copy of a letter from Defendants' counsel wherein Defendants refused to reset the
21 hearing currently scheduled for July 23, 2008.

22
23 6. Upon information and belief, the trial of *Karla Armas v. Basic Materials* should
24 be completed no later than August 4, 2008.

1 7. I declare under penalty of perjury that the foregoing is true and correct except as
2 to matters stated to be upon information and belief, and as to those matters, I believe them to be
3 true.
4

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9
10 Dated: July 2, 2008

FARRAR & BALL, LLP

/s/ Michael Hawash

Michael Hawash, Esq.
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and forgoing document was sent via ELECTRONIC SERVICE (through ECF website) to the counsel listed below on July 2, 2008:

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The Haskell Company of Florida*

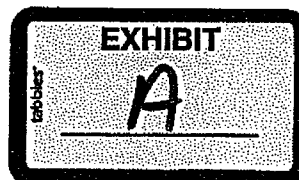
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*Attorneys for Defendant,
Snorkel International, Inc.*

I declare under penalty of perjury that the forgoing is true and correct.

/s/ Timothy D. McMahon

TIMOTHY D. MCMAHON



ARMAS, KARLA

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

BASIC MATERIALS INC

80TH JUDICIAL DISTRICT

DOCKET CONTROL ORDER

The following docket control order shall apply to this case unless modified by the court. If no date is given below, the item is governed by the Texas Rules of Civil Procedure.

1. 01/22/08 **JOINDER**. All parties must be added and served, whether by amendment or third-party practice, by this date. **THE PARTY CAUSING THE JOINDER SHALL PROVIDE A COPY OF THIS DOCKET CONTROL ORDER AT THE TIME OF SERVICE.**
2. **EXPERT WITNESS DESIGNATION**. Expert witness designations are required and must be served by the following dates. The designation must include the information listed in Rule 194.2(f). Failure to timely respond will be governed by Rule 194.6.
 - (a) 03/21/08 Experts for parties seeking affirmative relief.
 - (b) 04/21/08 All other experts.
3. **STATUS CONFERENCE**. Parties shall be prepared to discuss all aspects of the case, including ADR, with the court on this date. **TIME**. Failure to appear will be grounds for dismissal for want of prosecution.
4. **DISCOVERY LIMITATIONS**. The discovery limitations of Rule 190.2, if applicable, or otherwise of Rule 190.3 apply, unless changed below.
 - (a) Total hours per side for oral depositions.
 - (b) Number of interrogatories that may be served by each party on any other party.
5. **ALTERNATIVE DISPUTE RESOLUTION**.
 - (a) 05/21/08 By this date, the parties must either (1) file an agreement for ADR stating the form of ADR requested and the name of an agreed mediator, if applicable, or (2) set an objection to ADR. If no agreement or objection is filed, the court may sign an ADR order.
 - (b) 06/20/08 ADR conducted pursuant to the agreement of the parties must be completed by this date.
6. 06/20/08 **DISCOVERY PERIOD ENDS**. All discovery must be conducted before the end of the discovery period. Parties seeking discovery must serve requests sufficiently far in advance of the end of the discovery period that the deadline for responding will be within the discovery period. Counsel may conduct discovery beyond this deadline by Agreement. Incomplete discovery will not delay the trial.
7. **DISPOSITIVE MOTIONS AND PLEAS**. Must be heard by oral hearing or submission.
 - (a) If subject to an interlocutory appeal, dispositive motions or pleas must be heard by this date.
 - (b) Summary judgment motions not subject to an interlocutory appeal must be heard by this date.
 - (c) Rule 166a(n) motions may not be heard before this date.
8. **CHALLENGES TO EXPERT TESTIMONY**. All motions to exclude expert testimony and evidentiary challenges to expert testimony must be filed by this date, unless extended by leave of court.
9. 04/21/08 **PLEADINGS**. All amendments and supplements must be filed by this date. This order does not preclude prompt filing of pleadings directly responsive to any timely filed pleadings.
10. **PRE-TRIAL CONFERENCE OR DOCKET CALL**. Parties shall be prepared to discuss all aspects of trial with the court on this date. **TIME**. Failure to appear will be grounds for dismissal for want of prosecution.
11. 07/21/08 **TRIAL**. If not assigned by the Second Friday following this date, the case will be reset.

SIGNED

24037828

KYLE WAYNE FARRAR

36-1600

1010 Lamar St

EXHIBIT

B

BY NN BRADSLAW-HUIE

JUDGE, 80TH DISTRICT COURT

DATE GENERATED: 10/18/2007

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Rev 11/20/2006